



Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11(2088)/DERC/2023-24

Petition No. 13/2023

Under section 142 of the Electricity Act, 2003

In the matter of:

Mohd. Ikram

..... Petitioner

VERSUS

BSES Rajdhani Power Ltd.
Through its: CEO

..... Respondent

Coram:

Justice (Retd.) Jayant Nath, Chairperson
Sh. Ram Naresh Singh, Member
Sh. Surender Babbar, Member

Appearance:

1. Ms. Ritu Jain, Advocate for the Petitioner;
2. Shri Manish Kumar Srivastava, Advocate for the Respondent

Record of Proceedings

(Date of Hearing: 11.12.2024)

(Date of Order: 11.12.2024)

1. This Petition is filed under Section 142 of the Electricity Act, 2003 seeking the following reliefs:

“(i) under sections 142 of Electricity Act, 2003, impose penalty on Respondent no. 4, 5, 6, 7, 8, 9 and 10 severally of Rs. 1,00,000/- for each contravention as mentioned herein above committed in name of execution of its statutory powers and a penalty of Rs. 6000/- per day for its continued failure to rectify the same and imprisonment of three months;

(ii) under sections 146 of Electricity Act, 2003, impose penalty of imprisonment of term of 3 months for Respondent no. 2, 3, 4, 5, 6, 7, 8, 9 and 10 severally and with fine of Rs. 1,00,000/- for each contravention as mentioned herein above committed in name of execution of its statutory powers and a penalty of Rs. 5000/- per day for its continued failure,

(iii) Award compensation under section 57 of Electricity Act of Rs. 2,00,000/- for harassment and imposing litigation cost and

penalty under regulation 75 of SUPPLY CODE of Rs. 2,00,000/- for non-achievement and failure to meet the guaranteed standards of performance and contravening the provisions of regulation of Supply Code and direction of Commission;

(iv) under section 149 of Electricity Act, 2003, proceeding to be initiated against Respondent no. 2, 3, 7 and 10 who are In-charge of Respondent No. 1 and who despite being aware of all illegalities and violation committed deliberately and with malice have not quashed the illegal documents on which theft is imposed o Petitioner,

(A) this commission while adjudicating the quantum of penalty on the Respondents may consider the repetitive nature of default committed by Respondents in respect of preparing forged documents dated 01.04.2022 of meter change, dated 19.05.2022 related to meter testing, dated 26.05.2022 related to illegal/unsustainable load, dated 06.12.2022 and 08.12.2022 related signing speaking order and theft bill; committed jointly and severally with fraudulent and dishonest intent to book un illegal and unsustainable theft case on the connection;

(vi) To issue necessary orders/directions to Respondent no 2 and 3 to drop the theft case and immediately and vitiate/stop the action likely to be taken against Petitioner including of filing prosecution case and against disconnection;"

2. The case of the Petitioner is that on 20.02.2023, a representative of the Respondent came to the premises of the Petitioner and threatened to disconnect electricity on account of some theft bill of Rs.8,63,222.64/-. The Petitioner, sent a legal notice to Respondents No.2 and 3 pointing out that no theft has been committed by the Petitioner and sought production of documents pertaining to so called theft dated 01.04.2022 viz. site report, load report, meter seizure report, show cause notice alongwith its video and photograph and meter test report alongwith video and photo of meter testing etc. However, the same were never supplied to the Petitioner. Hence, the Petitioner was unable to approach the appropriate court/forum. It is pursuant to this communication that the Petitioner is stated to have received for the first time the said documents on 02.03.2023 and was shocked to see the fabricated documents prepared by the Respondent. Other grievances are also raised by learned counsel for the Petitioner.
3. From the reply of the Respondent, it is apparent that a criminal case is pending under Section 135 read with Section 154 of Electricity Act, 2003 before the learned ASJ, Spl. Court (Elect.), Saket Court and the matter is being adjudicated therein.

4. In our opinion, before passing any order/direction by this Commission, it is appropriate to wait for the outcome of the aforesaid criminal case pending before the learned ASJ, Spl. Court (Elect.), Saket Court.
5. Accordingly, the present Petition is adjourned sine die.

Sd/-
(Surender Babbar)
Member

Sd/-
(Ram Naresh Singh)
Member

Sd/-
(Justice (Retd.) Jayant Nath)
Chairperson